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# MILL CREEK BRIDGE #3 REPLACEMENT PROJECT

## DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT

USDA FOREST SERVICE  
CLEARWATER RANGER DISTRICT, NEZ PERCE NATIONAL FOREST  
IDAHO COUNTY, IDAHO

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### 1.1 DECISION AND REASONS FOR THE DECISION

The Clearwater Ranger District, in partnership with the Nez Perce Tribe and the Bonneville Power Administration, proposes to remove the existing bridge and replace it with a new 70-foot long by 16-foot wide concrete bridge using road construction equipment including excavators, graders, dozers, dump trucks, and cranes. The new concrete abutments will be relocated away from the streambank well above high water, alleviating constrictions from the existing vertical abutments. The channel under the bridge will be made of natural stream substrate and mimic the same bankfull and low flow dimensions as the surrounding channel. The new bridge structure is designed to pass the predicted 100-year flood and associated sediment and debris. Activities will conform to the Biological Assessment for Stream Crossing Structure Replacement and Removal Activities Affecting ESA-listed Species in Idaho National Forests (USDA Forest Service 2006) (Stream Crossing Programmatic BA). The project is anticipated to last approximately six to ten weeks, and would be implemented beginning in November 2010.

This action is needed because the existing 32-foot long by 16-foot wide, treated timber bridge currently constricts Mill Creek, disrupting stream hydrology and creating increased velocities at high flows, and the current bridge abutments and abutment posts have deteriorated and are failing from decay and require replacement and would require substantial cost for repairs.

Additionally, the Mill Creek area is used heavily by local recreationists, and there is a need to continue to provide access along Forest Road 309. Forest Road 309 is a main arterial connecting the South Fork of the Clearwater area to the Hungry Ridge area. Furthermore, it provides access to private land on both sides of Mill Creek.

The Mill Creek Bridge #3 Replacement Environmental Assessment (EA) documents the analysis of the alternatives to meet this need.

This Finding of No Significant Impact (FONSI) and Decision Notice (DN) hereby incorporate by reference the Mill Creek Bridge #3 Replacement Environmental Assessment (EA) (40 CFR 1502.21). The EA contains analysis and documentation used to support the decision and conclusions in this FONSI and DN.

#### 1.1.1 DECISION

Based upon my review of all alternatives, I have decided to implement **Alternative 2**, in which the Clearwater Ranger District, in partnership with the Nez Perce Tribe and the Bonneville Power Administration will remove the existing bridge and replace it with a new 70-foot long by 16-foot wide



concrete bridge using road construction equipment including excavators, graders, dozers, dump trucks, and cranes. Activities will conform to the *Biological Assessment for Stream Crossing Structure Replacement and Removal Activities Affecting ESA-listed Species in Idaho National Forests* (USDA Forest Service 2006) (Stream Crossing Programmatic BA), and all other design measures and monitoring described in the EA.

When compared to the other alternatives, this alternative responds to the purpose and need to maintain the water quality and fish habitat in Mill Creek by replacing the bridge to allow the natural bankfull width to be expressed and by preventing a significant weather event from destroying the bridge, and it ensures continued access to National Forest system lands for recreation and administrative uses, and provides access to and from private lands. This alternative addresses public comments and issues related to implementing activities in riparian areas, and effects to threatened, endangered, and Forest Service sensitive species.

This alternative meets requirements under the Nez Perce National Forest Plan as amended by PACFISH (USDA Forest Service 1987). This alternative meets requirements under the National Forest Management Act (NFMA) and implementing regulations in 36 CFR 219, and 16 U.S.C. 1604, the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) implementing regulations under 40 CFR 1500-1508; the National Historic Preservation Act (NHPA) and implementing regulations under 36 CFR 800; the Clean Water Act (Federal Water Pollution Control Act) together with implementing regulations under 40 CFR 130; the Endangered Species Act of 1973, as amended (P.L. 96-159 1531(c)) (ESA) and implementing regulations pursuant to 50 CFR 402.06 and 40 CFR 1502.25, and the Clean Air Act (CAA) and implementing regulations in 40 CFR 50.

### **1.1.2 OTHER ALTERNATIVES CONSIDERED**

In addition to the selected alternative, I considered one other alternative. A comparison of these alternatives can be found in the EA on pages 8 and 9.

#### **Alternative 1**

##### *No Action*

Under the No Action alternative, the bridge would not be replaced. No improvements to the bridge would be made. Forest Road 309 would remain open. The bridge would continue to deteriorate and constrict the flow of Mill Creek, and become increasingly susceptible to damage by natural forces. The results of taking no action would be the current condition as it changes over time due to natural forces.

### **1.1.3 PUBLIC INVOLVEMENT**

As described in the EA, on March 29, 2010, 427 scoping letters asking for input on the proposed action were sent to interested individuals, businesses, organizations, agencies, and the Nez Perce Tribe. Five response letters were received, and considered in the analysis. The final proposed action was developed based on this public comment and interdisciplinary team input.

Using the comments from the public, landowners, interested groups, nongovernmental organizations, Tribal representatives, and representatives of federal, state, and local agencies (see page 2 of the EA), the interdisciplinary team identified several issues regarding the effects of the proposed action. The main issues of concern included effects to riparian areas, and threatened, endangered, and Forest Service sensitive species (see EA, pages 2-3).



On June 8, 2010, a legal notice requesting comments on the EA was published in the Lewiston Tribune, and three comments were received. Responses to those comments are included in Appendix A. A complete record of the public involvement process is available for review in the Project File at the Clearwater Ranger District.

## 1.2 FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

*1. MY FINDING OF NO SIGNIFICANT ENVIRONMENTAL EFFECTS IS NOT BIASED BY THE BENEFICIAL EFFECTS OF THE ACTION.*

The EA considered all resources that could be adversely impacted through implementation of the selected alternative. Potential adverse impacts have been identified (EA, Chapter 3), disclosed and mitigated through development of project and unit specific design measures (EA, pages 7-8). While the overall impact of implementing the selected alternative is expected to be beneficial, the specific direct, indirect and cumulative effects will be within standards set forth by the Nez Perce Forest Plan, as well as applicable environmental laws (EA, pages 3-6 and 10-16).

*2. THERE WILL BE NO SIGNIFICANT EFFECTS ON PUBLIC HEALTH AND SAFETY.*

The selected alternative will have no significant adverse effects on public health and safety, and is designed to improve public safety by repairing the design deficiencies in the bridge. Additionally, the design measures will ensure public notice well in advance of bridge replacement activities.

*3. THERE WILL BE NO SIGNIFICANT EFFECTS ON UNIQUE CHARACTERISTICS OF THE AREA.*

There are no unique characteristics of the geographic area that would be adversely affected by the selected alternative action.

*4. THE EFFECTS ON THE QUALITY OF THE HUMAN ENVIRONMENT ARE NOT LIKELY TO BE HIGHLY CONTROVERSIAL.*

The effects on the quality of the human environment are not likely to be highly controversial. No highly controversial issues were identified during scoping. Five letters were received during the initial scoping process and three letters were received during the 30-day notice period. The majority of the comments were in support of the project (Project Record).

*5. WE HAVE CONSIDERABLE EXPERIENCE WITH THE TYPES OF ACTIVITIES TO BE IMPLEMENTED. THE EFFECTS ANALYSIS SHOWS THE EFFECTS ARE NOT UNCERTAIN, AND DO NOT INVOLVE UNIQUE OR UNKNOWN RISK.*

The selected alternative does not contain effects that are highly uncertain or involve unique or unknown risk. Design measures (EA, pages 7-8) will be incorporated during project implementation to avoid or minimize known risks associated with the project.

The selected alternative was developed through field surveys and reconnaissance, past experience with similar projects, and collaboration with interested publics. Each applicable regulatory agency has issued a letter of concurrence (Project Record) consistent with the effects analysis determinations.



6. *THE ACTION IS NOT LIKELY TO ESTABLISH A PRECEDENT FOR FUTURE ACTIONS WITH SIGNIFICANT EFFECTS.*

The selected alternative will not set a precedent for future actions with significant effects. The proposed activities are similar in nature and effects to other bridge or culvert replacement projects and are consistent with the Nez Perce National Forest Plan (EA, pages 3 to 6, and 10 to 16, and Project Record). This action does not represent a decision in principle about a future consideration.

7. *THE CUMULATIVE IMPACTS ARE NOT SIGNIFICANT.*

The effects of the selected alternative combined with the effects of past, present, and reasonably foreseeable actions will not have any significant cumulative effects (EA, page 10). The proposed action would have no unfavorable cumulative effects on riparian areas (EA, page 12), or threatened, endangered, or sensitive plant, wildlife, or fish species (EA, pages 14-15).

8. *THE ACTION WILL HAVE NO SIGNIFICANT ADVERSE EFFECT ON DISTRICTS, SITES, HIGHWAYS, STRUCTURES, OR OBJECTS LISTED IN OR ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. THE ACTION WILL ALSO NOT CAUSE LOSS OR DESTRUCTION OF SIGNIFICANT SCIENTIFIC, CULTURAL, OR HISTORICAL RESOURCES.*

Forest Service records indicate that the Mill Creek Bridge #3 was constructed in 1966. Therefore, the bridge does not meet the basic age requirements for classification as an historic property. Additionally, an appropriate inventory has been conducted and no cultural properties were located within the area of potential effects. This documentation and evaluation of the Mill Creek Bridge #3 has been conducted by the Forest Service in accordance with Section 106 of the National Historic Preservation Act of 1966 and the Programmatic Agreement between the US Forest Service, Idaho State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (EA, pages 5-6).

Additionally, the Nez Perce Tribal Government Liaison reviewed the Mill Creek Bridge #3 Replacement project, and determined the alternative would not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights (EA, page 15).

9. *THE ACTION WILL NOT ADVERSELY AFFECT ANY ENDANGERED OR THREATENED SPECIES OR ITS HABITAT THAT HAS BEEN DETERMINED TO BE CRITICAL UNDER THE ENDANGERED SPECIES ACT OF 1973.*

The selected alternative will not significantly adversely affect threatened or endangered species or their habitat (EA, pages 13-15).

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed actions would have no effects on listed or sensitive plant, wildlife, or fish species or habitat, and suitable habitat would not be altered, with the following exceptions.

**Plant Species and Habitat:** The ID Team Botanist determined the proposed action may impact individuals or habitat of the following species, but are not likely to cause a trend toward federal listing or reduce viability for the populations or species: green bug-on-a-stick and naked-stem rhizomnium. These mosses could occur in the riparian area immediately adjacent to the project area, however negative effects of the proposed activity would be miniscule due to the very small area of ground disturbance and the extensive habitat available in the area. (EA, page 13)

**Wildlife Species and Habitat:** The ID Team Wildlife Biologist determined the proposed action may impact individuals or habitat of the following species, but are not likely to cause a trend toward federal listing or reduce viability for the populations or species: gray wolf and western (boreal) toad. However,



direct, indirect, and cumulative effects to wildlife in the project area would be undetectable at scales greater than the stand level. (EA, pages 13-14)

Additionally, for the gray wolf, habitat use during implementation for individual animals may be altered, and activities at the project site may increase the probability of negative wolf-human encounter, however, the scope, scale, and duration of activities are in a location where there is established human use on an existing roadway, thereby limiting potential negative effects.

For the Western (boreal) toad, individuals may be harmed, avoid the area during activities, and not return to the site post-implementation, however, the proposed activities occur at an established crossing and are consistent with Nez Perce Forest Plan Amendment 20 (PACFISH), thereby limiting potential effects to the species as a whole. Furthermore, the application of the design measures and Best Management Practices as detailed in the alternative description minimizes these effects.

**Fish Species and Habitat:** Consistent with the *Biological Assessment for Stream Crossing Structure Replacement and Removal Activities Affecting ESA-listed Species in Idaho National Forests* (USDA Forest Service 2006) (Stream Crossing Programmatic BA), the following determinations of effect apply to this project:

- **May Affect, Likely to Adversely Affect:** Snake River steelhead trout, Columbia River bull trout
- **No Effect:** Snake River fall Chinook salmon
- **May Impact, But Not Likely to Contribute to a Trend Towards Federal Listing or Loss of Viability:** Spring Chinook salmon, westslope cutthroat trout, interior redband trout, and Pacific lamprey (USFS Region 1 sensitive species). Spring Chinook salmon are not listed under the Endangered Species Act in the Clearwater basin but are included as a Region 1 sensitive species.

The Central Idaho Level 1 Team has agreed to use the Stream Crossing Programmatic BA with a determination of “May Affect, Likely to Adversely Affect” for listed fish species (10 March 2008 Level 1 Team Meeting notes). This determination is based on potential short-term effects when crossing structures are replaced related to increases in suspended sediment, temporary increases in deposited sediment immediately below the site, and fish displacement. In-stream activities can displace listed fish and disturb juvenile fish at or downstream of the crossing sites in the short-term, resulting in short-term adverse effects followed by long-term beneficial effects. These fish have been shown to reoccupy the habitat following construction on similar projects.

The Stream Crossing Programmatic BA contains substantial direction, design, and mitigation measures, which are incorporated as design measures for the Mill Creek Bridge #3 Replacement project to minimize risks of disturbance to the stream and fish habitat.

Long-term, the project would result in improved fish passage under the bridge and reduced risk that the crossing structure would fail during an extreme flow event, thereby resulting in an improved condition for the stream and fish habitat.

In concurrence with the Stream Crossing Programmatic BA, the United States Department of Interior – Fish and Wildlife Service (2006) concluded that Columbia River bull trout in the coterminous United States are not likely to be jeopardized by the proposed work activities, and NOAA Fisheries (2006) concluded that the proposed work activities are not likely to jeopardize the continued existence of Snake River steelhead trout, or result in the destruction or adverse modification of critical habitat designated for Snake River steelhead trout. They included the design criteria in the Stream Crossing Programmatic BA to be implemented during the project to minimize effects to the species and their habitat. Those conditions have been included in the design measures for this alternative. Thus, separate consultation for this project is not needed.



This alternative meets all Forest Plan direction, including the standards to restore presently degraded fish habitat to meet the fish/water quality objectives established in the Forest Plan, maintain sufficient streamside vegetative canopy to ensure acceptable water temperatures for fish and to provide cover, and to not permit activities to adversely change the composition and productivity of key riparian vegetation.

Additionally, this alternative meets PACFISH standards and guidelines (Forest Plan Amendment #20). This alternative complies with the road management standard to improve bridges determined to pose a substantial risk to riparian conditions, to accommodate a 100-year flood, including associated bedload and debris. Activities would not retard or prevent attainment of Riparian Management Objectives. The proposed activities would have no effect on Riparian Management Objectives for forested streams including the following stream habitat variables: pool frequency (pools per mile), water temperature, large woody debris, and width/depth ratio. (EA, pages 14-15)

*10. THE ACTION WILL NOT VIOLATE FEDERAL, STATE, AND LOCAL LAWS OR REQUIREMENTS FOR THE PROTECTION OF THE ENVIRONMENT. APPLICABLE LAWS AND REGULATIONS WERE CONSIDERED IN THE EA. THE ACTION IS CONSISTENT WITH THE NEZ PERCE NATIONAL FOREST PLAN.*

To the best of my knowledge, my decision is consistent with all laws, regulations, and agency policy relevant to the Mill Creek Bridge #3 Replacement project.

The selected alternative meets federal, state, and local laws and is consistent with these regulations as discussed in the EA on pages 3-6, 12, 15-16. The discussion in the EA is not an all-inclusive listing, but is intended to provide information on areas raised as issues or comments by the public or other agencies.

### **1.3 ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES, AND IMPLEMENTATION DATE**

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Lewiston Tribune, Lewiston, Idaho. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
P.O. Box 7669  
Missoula, MT 59807

OR

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
200 East Broadway  
Missoula, MT 59802

Office hours: 7:30 a.m. to 4:00 p.m.

Faxed appeals must be submitted to: (406) 329-3411

Electronic appeals must be submitted to: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us)

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project or activity specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with





the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: [http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## **1.4 CONTACT**

For additional information concerning this decision, contact Marty Gardner at the Clearwater Ranger District, 104 Airport Road, Grangeville, Idaho 83530, or by phone ((208) 983-1950).



## 1.5 SIGNATURE OF RESPONSIBLE OFFICIAL

/s/ Gary Torres

8/4/2010

GARY TORRES  
Acting District Ranger  
Clearwater Ranger District  
Nez Perce National Forest

DATE

cc: Mark Johnson

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## Appendix A

### Response to Public Comments

On March 29, 2010, the Nez Perce National Forest mailed a letter providing information and seeking public comment to 427 individuals, businesses, organizations, a variety of state and local agencies, and the Nez Perce Tribe. A legal notice appeared in the Lewiston Tribune on June 8, 2010, inviting comments for 30 days from publication. Three letters were received regarding this project during this public comment period and those comments are addressed below.

Planning Participant	Comment	Response
<i>Skip Brandt, Jim Rehder and James Rockwell Idaho County Commissioners 320 West Main Street, Room 5 Grangeville, Idaho 83530</i>	<i>The board of Idaho County Commissioners supports the replacement of the Bridge at Mill Creek. We see this as an important travel infrastructure in that area.</i>	Thank you for your support.
<i>Gary Macfarlane Friends of the Clearwater, and Alliance for the Wild Rockies PO Box 9241 Moscow, Idaho 83843</i>	<i>While we recognize the agency did an EA on this project, rather than a CE, the EA refused to analyze an important alternative that may be more consistent with the purpose and need. Specifically, we suggested that an option to close route 309 and use road 9408 instead, which accesses the same area. The reasons we suggested this alternative were clear. Road 309 is in the RHCA. Roads in RHCA generally contribute more sediment than do non-RHCA roads. Such an alternative may prove to better meet the proposed action. In may also be better in the long run given the sediment concerns on the 309 road that are being addressed separately.</i>  <i>Page 8 of the EA dismisses this alternative without further analysis. The short discussion on that page claims that route 9408 would have greater impacts. Could you please provide us with the information that shows this option is not viable and why you chose not to consider it further?</i>	<p>As stated in the EA, this alternative was not feasible due to the condition of Forest Road 9408, referred to as Forest Road #309O (EA, page 8), and it does not meet the purpose and need to maintain the water quality and fish habitat in Mill Creek. The proposed alternate route is currently in a condition that would require substantial outlay of materials and significant ground disturbance to improve it to standard as a primary access route. Additionally, the historic access to the upper Mill Creek watershed was provided by other routes which, over time, presented continual maintenance and sediment issues. Those routes were eventually closed, and Forest Road 309 was designated as the primary access route for the area. Given the history of access for the area, it is not prudent to reconstruct or construct yet another primary access route; consequently this alternative was dismissed from detailed analysis.</p> <p>The following factors also went into the decision to not consider this alternative in detail.</p> <p>The Hungry Ridge Road (Forest Road #309) was originally constructed in (or approximately) 1932. A portion beginning near the mouth of Big Canyon Creek and extending to Hungry Ridge was rerouted to its</p>



Planning Participant	Comment	Response
		<p>current location in 1965.</p> <p>One of the bypassed segments was subsequently renumbered Forest Road 309O, what is presumably being referred to here as Forest Road 9408. Forest Road 309O extends from the mouth of Big Canyon Creek to a point on the realigned Forest Road 309 at approximate Milepost 5. Forest Road 309O has not been used for many years. It is steep, narrow, and overgrown. Its crossing of Big Canyon Creek was substantially impacted by the 2008 flood event. This bypassed segment ascends approximately 1400 vertical feet over a distance of 2.7 miles for an average grade of 9.8 percent.</p> <p>To use this segment of Forest Road 309O, it would have to be widened and the bridge across Big Canyon Creek would need to be replaced to accommodate the same traffic currently travelling on Forest Road 309. These improvements would increase the risk of erosion, sediment delivery, and mass failure to a much greater extent than Alternative 2, and would potentially negatively affect the water quality and fish habitat in Mill Creek long-term, contrary to the purpose and need of this project.</p>
<p>Jonathan Oppenheimer Idaho Conservation League P.O. Box 844 Boise, ID 83701</p>	<p><i>In general, the Idaho Conservation League is supportive of this project. In association with this project, we encourage you to assess other issues that may accomplish goals identified in the South Fork Clearwater River Landscape Assessment and TMDL Implementation Plan, i.e. riparian planting, decommissioning of dispersed campsites, road obliteration, rerouting of trails, etc.</i></p>	<p>The scope of the Mill Creek Bridge #3 Replacement project is limited to the activities directly associated with replacing the bridge, and is limited in extent to the immediate area surrounding the bridge. No other activities or areas were considered for this project.</p> <p>Riparian vegetation planting is part of this project as discussed in the design measure to comply with design criteria, mitigation measures, and recommendations in the Stream Crossing Programmatic BA for fish species and habitat (EA, page 7). Riparian areas that are disturbed by project activities will be replanted.</p>



Planning Participant	Comment	Response
Jonathan Oppenheimer (continued)	<i>Again, we appreciate and support your efforts to restore and improve aquatic habitat and properly functioning streams. We support the project, and encourage you to explore further restoration activities throughout the forest.</i>	Thank you for your support.